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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,914	06/11/2001	Marnix Claudius Vlot	NL 000561	1219

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/857,914

Applicant(s)

VLOT, MARNIX CLAUDIUS

Examiner

Reuben M. Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/3/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 3-4, 6-11, 13-14 & 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa, (U.S. Pat # 6,147,714), in view of Borseth, (U.S. Pat # 6,340,997) and Roop, (U.S. Pat # 5,790,198).

Considering claim 1, the amended claimed method for assigning program locations in a receiver to individual received broadcast signals; the method comprising 'providing the broadcast signals with information about at least the transmitting network, a unique service identification and a logical channel number', is met by the disclosure of Terasawa, (col. 8, lines 25-35). Terasawa discloses that the EPG includes the Service Description Table (SDT), which provides original_network_ID corresponds with 'transmitting network' and service_ID corresponds with unique service identification. The broadcast channel (program_number) corresponds with a logical channel number, see col. 7, lines 5-25; col. 7, lines 55-62; col. 10, lines 6-21 & Fig. 11A; for instance, in one embodiment up to 80 channels are transmitted in an EPG per 24 hour period.

The claimed 'method assigning in the receiver a program location in a program location list to the received broadcast signal in accordance to assignment rules based on the received information', is met by the disclosure in Terasawa that a EPG is transmitted as a Program Map Table, (PMT); col. 8, lines 1-12 & col. 10, lines 1-31.

As for the additionally claimed 'country of origin', Terasawa teaches that the SDT includes a list of countries that the service is available in, and those that cannot access the

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service, col. 8, lines 61-67 thru col. 9, lines 1-5, which does not meet the limitation. However Borseth, which is in the same field of endeavor, discloses a worldwide tuning system that attaches a country's ITU long distance telephone code to broadcast programming, col. 4, lines 50-63; col. 6, lines 58-67 & col. 7, lines 1-45. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Terasawa with the feature of attaching a country code to broadcast programming, for the desirable improvement of more effectively allowing a user to tune to programs in different countries, while the receiver device is in a different country, as taught by Borseth, see col. 2, lines 35-67 thru col. 3, lines 1-15.

Regarding the amended claimed feature of service corresponding to received broadcast signal and identified by the unique service identifier of a given country preference and in case of conflict of logical channel numbers giving preference to any broadcast signal containing information of country of origin corresponding to a predetermined indication of country preference', the references do not specifically meet the feature. However, Roop teaches that a user chooses or is assigned a Region ID, which determines that channels listed based on the known geographical identifier, (col. 63, lines 41-67 thru col. 64, lines 1-45; Table LIX; col. 49, lines 1-50). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Terasawa & Borseth with the additional feature of limiting the channels shown to the user based on the regional ID, as taught by Roop, at least for the desirable improvement of restricting access to programming based on the known geographic location of the user.

Considering claims 3-4, 7-8, 13-14 & 17-18, the claimed features reads on the discussion in Terasawa that programs may be grouped, forming 'a list of the countries that can access the service', in a regular EPG line-up, see col. 8, lines 61-67 thru col. 9, lines 1-5.

Considering claims 6 & 16, the claimed subject matter is met by the disclosure in Borseth that the user may set a regional preference for TV reception, col. 7, lines 9-12 & col. 10, lines 45-50.

Considering claims 9-10 & 19-20, the claimed subject matter reads on the PMT disclosed in Terasawa.

Considering claim 11, the claimed elements of a receiver for digital signals, corresponds with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

5. Claims 5 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa; Borseth & Roop further in view of Pon, (U.S. Pat # 6,272,343).

Considering claims 5 & 15, Terasawa does not discuss using the signal strength of a channel as a tuning parameter. Borseth teaches that if the quality of received signal is not optimal, the system may scan for the best possible signal, but does not explicitly state that strength is the parameter used, col. 8, lines 31-40. Nevertheless Pon, which is in the same field of endeavor of wireless transmission, teaches that reception channels may be prioritized by signal strength, see

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col. 13, lines 25-50. Also see Fig. 5 (106&106). Arrange channels in order of Highest received signal level to Lowest received signal strength; Select First channel on the list, (Highest received signal strength). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Terasawa with the feature of prioritizing channels according to signal strength, for the desirable benefit of fast signal acquisition, as taught by Pon.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Maeda Transmission/reception of programming based on geographic ID.

B) Johnstone Transmission/reception of programming based on geographic ID.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER